

## Message Text

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INFO OCT-01 ISO-00 CU-02 OES-06 L-03 NSF-01 SS-15 NSC-05

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FM AMEMBASSY PRAGUE

TO SECSTATE WASHDC 127

C O N F I D E N T I A L SECTION 1 OF 2 PRAGUE 1157

E.O. 11652: GDS

TAGS: PFOR, SCUL, CZ

SUBJECT: EXCHANGES AGREEMENT: STATEMENT BY CSSR CHAIRMAN

REF: PRAGUE 1007

1. THERE FOLLOWS THE TEXT OF THE STATEMENT THE CZECHOSLOVAK  
CHAIRMAN OF THE NEGOTIATING TEAM, DR. ZEMLA, MADE AT THE  
CONCLUSION OF THE NEGOTIATING SESSION OF APRIL 22:

2. BEGIN TEXT

GENTLEMEN,

ON BEHALF OF THE CZECHOSLOVAK DELEGATION, I WOULD LIKE TO TAKE  
A STAND TO THE COURSE OF OUR DISCUSSIONS ON MARCH 18, APRIL 6  
AND TODAY, CONCERNING THE FORMULATION OF THE ARTICLE ON ESTABLISHING  
AN EFFECTIVE MECHANISM THAT WOULD FACILITATE GOOD OPERATION AND  
IMPLEMENTATION OF AGREEMENTS OF CO-OPERATION IN THE FIELD OF SCIENCE  
AND TECHNOLOGY AND IN THE FIELD OF CULTURE.

IF I MAY USE THE EXPRESSION USED BY THE CHAIRMAN OF THE US DELE-  
GATION, THERE STILL EXISTS A LARGE "GAP" BETWEEN OUR TWO RESPECTIVE  
OPINIONS.

IT IS THE BELIEF OF THE CZECHOSLOVAK DELEGATION THAT THIS  
"LARGE GAP IN OPINIONS" STEMS FROM THE DIFFERENT APPROACHES OF  
OUR TWO DELEGATIONS TO THIS IMPORTANT MATTER.

WHEN THE US DELEGATION REPEATEDLY STRESSES THAT IT IS AGAINST ANY  
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"FORMAL", "RIGID", "-TOO DETAILED" AND "BUREAUCRATIC" AGREEMENT AND

THAT IT IS PRIMARILY CONCERNED WITH ITS CONTENTS, I.E. A BROAD RANGE OF CO-OPERATION AND EXCHANGES, WE ARE FULLY IN ACCORD WITH ITS POSITION. WE, TOO, ARE OPPOSED TO SUCH A NATURE OF THE AGREEMENTS AND WE PROPOSE NOTHING OF THAT KIND.

IF, HOWEVER, THE US DELEGATION REALLY CARES FOR HAVING AGREEMENTS OR AN AGREEMENT THAT WOULD PROVIDE FOR GOOD, NON-FORMAL AND EFFECTIVE IMPLEMENTATION OF AGREED CO-OPERATION AND EXCHANGES, THEN WE HAVE TO SET UP AN ADEQUATE MECHANISM THAT WOULD BE EMBODIED IN THE AGREEMENTS. ALTHOUGH THE US DELEGATION AGREED WITH THIS PROCEDURE AT MEETINGS IN THE PAST, ITS STATEMENTS MADE ON 16 MARCH AND 6 APRIL AND TODAY REGRETFULLY, TESTIFY TO THE OPPOSITE.

AS A MATTER OF FACT, NONE OF THE THREE PROPOSALS REGARDING THE ESTABLISHMENT OF A MECHANISM THAT WOULD FACILITATE THE IMPLEMENTATION OF THE AGREEMENT SUBMITTED BY THE US DELEGATION AT THE PAST MEETINGS MEETS THIS OBJECTIVE.

THEY ARE TOO GENERAL IN NATURE, LACKING CONCRETE SPECIFICATIONS, AND THEREFORE THEY CANNOT GUARANTEE THAT ALL THAT BOTH PARTIES WILL AGREE UPON WILL BE IMPLEMENTED TO THE FULL. AND THAT, I BELIEVE, IS THE CORE OF THE MATTER, THE MORE SO SINCE OUR INTENTION IS TO CONCLUDE INTERGOVERNMENTAL AGREEMENTS. OR ISN'T THAT OUR INTENTION. HOW EFFICIENT, MAY I ASK, WOULD BE THE MECHANISM ENVISAGED BY THE US PROPOSAL FOR THE IMPLEMENTATION OF AGREEMENTS IF REPRESENTATIVES

OF THE TWO SIDES WERE NOT OBLIGED TO MEET AT LEAST ONCE A YEAR AND THEIR OBLIGATIONS WOULD NOT BE FORMULATED IN THE AGREEMENT WITH SUFFICIENT CLARITY?

IF THE US DELEGATION IS REALLY INTERESTED IN ENSURING A FLEXIBLE AND EFFECTIVE IMPLEMENTATION OF THE AGREEMENTS-AS IT REAFFIRMS-WHY IS IT SO RELUCTANT TO STATE THAT FOR THE PURPOSE OF THE OPERATION OF THE AGREEMENTS A MIXED /JOINT/ COMMISSION OR COMMITTEE WILL APPROVE /TWO/ PROGRAMMES OF CO-OPERATION AND EXCHANGES - IN SCIENCE AND TECHNOLOGY AND IN CULTURE-AND WHY IS IT OPPOSED TO THE ADOPTION OF AN INFORMAL PROCEDURE THAT WOULD PROVIDE FOR APPROVAL OF SUBSEQUENT PROPOSALS IN A FLEXIBLE WAY?

IN THE SAME TIME, I THINK, WE AGREE THAT ON THE BASIS AND WITHIN  
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THE FRAMEWORK OF AGREEMENT TO BE CONCLUDED AND ON THE BASIS OF THE TWO PROGRAMMES OF CO-OPERATION AND EXCHANGES, IT WILL BE POSSIBLE TO CONCLUDE DIRECT AGREEMENTS BETWEEN DIFFERENT INSTITUTIONS AND ORGANIZATIONS. ON THAT SAME BASIS WE ALSO ENVISAGE DIRECT CONTACTS OF SUCH ORGANIZATIONS AND CONTACTS BETWEEN INDIVIDUALS.

AT OUR MEETING ON 6 APRIL I ALSO UNDERLINED THAT ALL THAT IS CONTAINED IN THE CZECHOSLOVAK PROPOSALS FOR ESTABLISHING AN EFFECTIVE

MECHANISM FOR THE IMPLEMENTATION OF THE AGREEMENTS IS NOT "A SPECIAL CZECHOSLOVAK PROPOSAL" HIDING "SOME ULTERIOR MOTIVES" ON THE CZECHOSLOVAK SIDE.

THAT IS NOT THE CASE. THE CZECHOSLOVAK PROPOSALS PROCEED IN PRINCIPLE FROM GENERALLY RECOGNIZED INTERNATIONAL PRACTICE IN THE LAW OF THE TREATIES OF WHICH THE US DELEGATION CAN FIND A CONVINCING EVIDENCE WHEN GLANCING AT AGREEMENTS ON CULTURAL AND SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION NORMALLY CONCLUDED BETWEEN STATES. AFTER ALL, MOST OF WHAT IS PROPOSED BY THE CZECHOSLOVAK DELEGATION IS ALSO CONTAINED IN AGREEMENTS CONCLUDED IN THE PAST BY THE USA WITH OTHER SOCIALIST COUNTRIES, AS IT WAS MENTIONED BEFORE. WHY, THEN, DOES THE US DELEGATION WISH TO TAKE ANOTHER COURSE IN THE CASE OF CZECHOSLOVAKIA?

I WISH TO UNDERLINE THAT ANY REALLY EFFICIENT MECHANISM THAT SHOULD ENSURE A GOOD IMPLEMENTATION OF THE AGREEMENTS MUST CONTAIN THE FOLLOWING INDISPENSABLE COMPONENTS:

- ESTABLISHMENT OF A SUFFICIENTLY AUTHORITATIVE BODY, APPOINTED BY BOTH SIDES, AT BEST A COMMISSION OR A COMMITTEE. THIS IS NECESSARY THE MORE SO SINCE THE US DELEGATION SUGGESTS TO CONCLUDE ONE SINGLE AGREEMENT THAT WOULD COVER A VERY BROAD FIELD OF CO-OPERATION AND EXCHANGES;
- A PROVISION STIPULATING THAT THIS ORGAN SHOULD MEET AT LEAST ONCE A YEAR, WHICH IS THE MINIMUM IF WE DESIRE THAT THE IMPLEMENTATION OF THE AGREEMENT SHOULD NOT BE FORMAL;
- A STIPULATION THAT SUCH AN ORGAN SHOULD, WHENEVER NECESSARY, ESTABLISH WORKING SUB-COMMISSIONS OR WORKING GROUPS, POSSIBLE WITH THE PARTICIPATION OF EXPERTS;

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- A PROVISION STIPULATING THAT - AND THIS WOULD AGAIN SERVE THE INTEREST OF ELIMINATING ANY FORMAL APPROACH AND, ON THE CONTRARY, PROVIDING FOR A GOOD AND OPERATIVE IMPLEMENTATION OF THE AGREEMENT - BOTH SIDES SHOULD EXCHANGE IN GOOD TIME IN ADVANCE ANY PROPOSALS THAT THEY MIGHT WISH TO DISCUSS;

- SPECIFICATION, AT LEAST IN GENERAL TERMS, OF THE ACTIVITY OF SUCH AN ORGAN AND OF THE ORIENTATION OF PROGRAMMES FOR CO-OPERATION AND EXCHANGES THAT IT WOULD ADOPT IN THE FIELD OF SCIENCE AND TECHNOLOGY AND IN THE FIELD OF CULTURAL CONTACTS;

- AND, FINALLY, A SET-UP OF A PROCEDURE FOR ADOPTION OF SUBSEQUENT PROPOSALS.

THE ABOVE COMPONENTS - ALTHOUGH FORMULATED VERY BRIEFLY - SHOULD

BE CONTAINED, IN MY OPINION, IN ANY SERIOUSLY MEANT PROPOSAL FOR ESTABLISHING A MECHANISM THAT WOULD PROVIDE FOR AN EFFECTIVE IMPLEMENTATION OF THE AGREEMENTS THAT WE ARE TO NEGOTIATE AND DRAFT.

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C O N F I D E N T I A L SECTION 2 OF 2 PRAGUE 1157

THE CZECHOSLOVAK DELEGATION STANDS FOR BUSINESSLIKE AND CONCRETE NEGOTIATION. WE ALSO WISH THE TALKS TO PROGRESS. THAT IS WHY I SUBMIT TODAY, ON BEHALF OF THE CZECHOSLOVAK DELEGATION, THE SECOND REVISION OF THE CZECHOSLOVAK PROPOSAL FOR THE ESTABLISHMENT OF A MIXED COMMISSION. THE DRAFT CONTAINS ALL SUBSTANTIAL COMPONENTS I HAVE JUST MENTIONED AND IN THE SAME TIME MEETS THE POSITION OF THE US DELEGATION BOTH IN CONTENTS AND IN FORM.

WE FEEL THAT IF WE ARE TO AGREE WITH THE CONCLUSION OF ONLY ONE AGREEMENT, AS THE US SIDE DEMANDS, THEN THE PRESENT PROPOSAL IS PROBABLY THE MAXIMUM THAT THE CZECHOSLOVAK DELEGATION CAN AGREE TO. WE WOULD BE HAPPY, THEREFORE, IF THE US DELEGATION COULD CONSIDER IT AS SUCH AND AGREE WITH IT. THIS WILL MAKE IT POSSIBLE FOR US TO ADOPT CONCEPT OF ONE SINGLE AGREEMENT AND THEN TO PROCEED TO ITS DRAFTING ACCORDING TO THE INDIVIDUAL CHAPTERS AGREED UPON.

THERE IS NOTHING SUPERFLUOUS IN THE CONTENTS OF THE CZECHOSLOVAK DRAFT AND IT IS FULLY IN ACCORDANCE WITH NORMAL PRACTICE IN THE INTERNATIONAL LAW OF THE TREATIES. ANY NEGOTIATION REQUIRES THAT THE SIDES CONCERNED SHOULD SHOW SUFFICIENT MEASURE OF UNDERSTANDING AND READINESS TO ACHIEVE A MUTUALLY ACCEPTABLE SOLUTION. THE CZECHOSLOVAK DELEGATION HAS OFFERED NEW EVIDENCE OF GOOD WILL BY ITS PROPOSALS.

THE CZECHOSLOVAK DELEGATION CANNOT, HOWEVER, AGREE TO ANY  
FURTHER WEAKENING OF THE MECHANISM TO SERVE THE IMPLEMENTATION  
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OF THE AGREEMENT, WHATEVER MIGHT BE THE PRETEXTS FOR IT. IN  
SUCH A CASE IT WOULD EVIDENTLY BE NECESSARY THEN TO ASK THE US  
DELEGATION WHAT, IN FACT, IS THE AIM THAT IT FOLLOWS BY ITS  
PROPOSALS AND POSITIONS THAT DIFFER FROM NORMAL PRACTICE IN THE  
INTERNATIONAL LAW OF THE TREATIES AND  
WHETHER THE US DELEGATION IS TRULY INTERESTED IN MAKING  
PROGRESS IN OUR TALKS. END TEXT.  
PERRY

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